

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1546.00
COMPLAINT INVESTIGATOR: Steve Starbuck
DATE OF COMPLAINT: March 16, 2000
DATE OF REPORT: April 11, 2000
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: May 26, 2000

COMPLAINT ISSUES:

Whether the Anderson Community School Corporation violated:

511 IAC 7-10-3 with regard to the school's alleged failure to conduct an educational evaluation at the parent's request.

511 IAC 7-10-3(l) with regard to the school's alleged failure to ensure the case conference committee (CCC) considered the results of the independent evaluation in determining an appropriate educational placement for the student.

FINDINGS OF FACT:

1. The student is eight years old and is in the second grade. CCC meetings were convened on March 3, 1999, and June 3, 1999, to determine the student's eligibility for special education. At this time, the student has not been determined eligible for special education.
2. According to a written statement from the school principal, the parent requested that the student be evaluated on August 25, 1998. The parent was told by the principal that the school usually tried to wait a little while to test first grade students, as it is hard to test them at such an early age and so soon in the school year. There is no indication that the principal followed up with the parent at a later date to address the issue of completing an educational evaluation. In a written statement from the student's classroom teacher, it is stated that the parent approached the teacher on two occasions during the first week of the 1998-1999 school year, and reported to the teacher that she thought her daughter was "slow." Later in the school year the teacher did schedule an appointment to discuss the parent's concerns; however, the parent failed to keep the appointment.
3. Because the school took no action on the parent's request for an educational evaluation in August, 1998, the parent initiated an independent evaluation in October, 1998. The evaluation was conducted over a two-month period and was completed on January 1, 1999. On March 3, 1999, a CCC meeting was convened to determine the student's eligibility for special education. The CCC Report of March 3, 2000, reflects that based on the independent evaluation the student did not meet the criteria for special education services.
4. On April 30, 1999, the parent provided written consent to the school for the student to receive an educational evaluation. The evaluation was completed on May 17, 1999. On June 3, 1999, a CCC meeting was convened where it was determined that the student did not meet the criteria for special education services.

5. The parent states that during a telephone conversation with the assistant principal in the latter part of December, 1999 or the first part of January, 2000 she requested an educational evaluation for the student. The assistant principal recalls having a telephone conversation with the parent regarding how often a student could be evaluated, but states the parent did not request another educational evaluation for the student. The assistant principal states she did not know how frequently a student could be evaluated, so she consulted with the building principal and possibly the local special education office. The assistant principal states she was informed that a student could only be evaluated one time per year, and called the parent back and advised her of this information. The parent states that during their telephone conversation, the assistant principal said the student could not be evaluated again, since the student had been evaluated in May 1999.

CONCLUSIONS:

1. Findings of Fact #2, #3, and #5 indicate that the school failed to act upon the parent's August, 1998 request for an evaluation by (1) not proceeding timely with an evaluation, and (2) not initiating a due process hearing to challenge the necessity of such an evaluation. Therefore, a violation of 511 IAC 7-10-3 is found.
2. Finding of Fact #3 reflects that the school considered the results of the independent educational evaluation in determining the student's eligibility for special education. Therefore, no violation of 511 IAC 7-10-3(l) is found.

The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Anderson Community School Corporation shall:

1. In-service all appropriate staff (administrators, supervisors, educators, etc.) as to the requirements set forth in 511 IAC 7-10-3. The in-service training should include that trainees be advised that a student can be evaluated more frequently than every year if conditions warrant an evaluation, and the procedures to be followed when a parent verbally requests an evaluation. Submit documentation that this has been completed no later than May 17, 2000. The documentation should include a list or an agenda of all issues discussed, any handouts that were distributed, and a list of attendees by name and title.

DATE REPORT COMPLETED: April 11, 2000